



Department of
Toxic Substances
Control

The Mission of
the Department of
Toxic Substances
Control is to
provide the highest
level of safety, and
to protect public
health and the
environment from
toxic harm.



State of California



California
Environmental
Protection Agency

Guidance Document, February 2009

Managing Asbestos Waste

Regulatory Assistance Officers Notes:

The Regulatory Assistance Officers of the Department of Toxic Substances Control (DTSC) prepared this guidance document to provide general information about the hazardous waste requirements associated with generating, transporting and disposing of asbestos waste. In addition, several other sources of information about asbestos and asbestos handling appear at the end of the fact sheet. Throughout this fact sheet are citations from Title 22, California Code of Regulations (Cal. Code Reg., title 22), the California Health and Safety Code (Health and Safe. Code). There are also citations from the Code of Federal Regulations (CFR): Title 29 for Department of Labor, Title 40 for EPA (RCRA), and Title 49 for Department of Transportation. Clicking on the section number links will take you to internet sites containing those regulations. If you generate hazardous waste, you should consult with your Certified Unified Program Agency (CUPA). Finally, DTSC strongly encourages all businesses generating hazardous waste to consider waste minimization, source reduction and pollution prevention. Go to the Duty Officer FAQs for useful links.

What is asbestos and how dangerous is it?

Asbestos refers to a family of fibrous minerals found all over world and in the serpentine rock that occurs throughout California. When the fibers break off and become airborne, they can create a health risk if inhaled. Asbestos exposure is associated with certain types of lung cancer, and long time occupational exposure can also cause the lung disease asbestosis. Read more about the health risks of asbestos in the DTSC fact sheet [What is Asbestos](#) and the California Department of Health Services publication [Asbestos in the Home and Workplace](#). In the past, asbestos was used in many household products and building materials because of its heat-resistant and structural properties. As a result, building remodeling and demolition projects produce much of the asbestos waste we see today. DTSC regulates the packaging, onsite accumulation, transportation, and disposal of asbestos when it is a hazardous waste, as defined below. Other agencies, listed at the end of this fact sheet, regulate asbestos abatement, as well as activities related to naturally-occurring asbestos.

Do I have to manage asbestos as a hazardous waste?

DTSC classifies asbestos-containing material as hazardous waste if it is "friable" and contains one percent (1.0%) or more asbestos as hazardous waste.

A friable waste is one that can be reduced to a powder or dust under hand pressure when dry. This classification standard is given in [California Code of Regulations, section 66261.24](#). Because the United States Environmental Protection Agency (U.S. EPA) does not regulate asbestos as hazardous waste under the Resource Conservation and Recovery Act (RCRA), it is

considered to be a “non-RCRA,” or “California-only” hazardous waste. However, various state and federal regulations address other aspects of asbestos management, such as asbestos abatement (see Referrals at the end of this fact sheet).

DTSC considers non-friable bulk asbestos-containing waste to be non-hazardous regardless of its asbestos content, so it is not subject to regulation under Title 22, Division 4.5, of the California Code of Regulations. Again, other regulatory agencies operating under separate authority have their own requirements or restrictions.

How do I determine whether my asbestos waste must be handled as a hazardous waste?

If you are not certain whether your asbestos waste is hazardous, you must have it tested ([Cal. Code Regs., title 22, section 66262.11\(b\)\(2\)](#)) by a laboratory certified by the California Department of Health Services, [Environmental Laboratory Accreditation Program](#). The lab will determine the percentage of friable asbestos in the material. Check in the phone book for “Laboratories, Analytical” or “Asbestos Abatement and Removal Services.” Your local [Air Quality Management District](#) or Air Pollution Control District may also have a list of laboratories in your area. The cost for bulk asbestos testing varies significantly, depending primarily on the analytical method used, the type of sampling that is required and who collects the samples.

How must hazardous waste asbestos be packaged?

Asbestos is an airborne hazard, so the rules and regulations that describe the proper handling and packaging of asbestos are found in Federal and State air quality regulations. The packaging required by in those regulations satisfies those of DTSC. Check with your local air pollution control district to see if there are additional packaging requirements for your region.

At a minimum, you must contain and transport it in one of the following ways:

In sealed, leak-tight, non-returnable containers (e.g., plastic bags of at least 6-mil thickness, car tons, drums, or cans) from which the fibers cannot escape. Additionally, you must wet the

wastes to prevent fibers from blowing around in the event that the container is broken. [40 CFR 61.150](#), or

For bulk waste that will not fit into such containers without additional breaking, wet it to prevent blowing of fibers in case the wrapping is broken, then wrap it so it will be leak-tight and seal it with packaging or duct tape. If you are placing the wrapped and sealed waste directly in trailers or drop-boxes, you need to line the container with plastic sheeting and covered it with a tarp. ([Cal. Code Regs., title 13, section 66263.23.](#))

Wetting asbestos waste does not constitute treatment, so you do not need to obtain special authorization to do so.

How do I label the properly packaged asbestos?

Each asbestos package or container must have a caution label affixed to the outside. That label must be conspicuous and contain legible lettering that spells the following warning: ([29 C.F.R. §1910.1001 \(j\)\(2\) and 1926.1101\(k\)\(8\)](#), and [Cal. Code Reg., title 8, § 5208\(j\)\(5\)](#)).

Danger
Contains Asbestos Fibers
Avoid Creating Dust
Cancer and Lung Disease Hazard

In addition to this warning requirement, [California Code of Regulations, title 22, section 66262.32](#) requires that hazardous waste containers with a capacity of 110 gallons or less be marked with the following words and information in accordance with the requirements of [49 Code of Federal Regulations section 172.304](#):

Hazardous Waste - State and Federal Law
Prohibit Improper Disposal. If found, contact
the nearest police or public safety authority or
the California Department of Toxic Substances
Control.

Generator's Name _____

Address _____

Manifest Document Number _____

Are there different requirements for transporting different amounts of hazardous asbestos waste?

Yes. If you have more than 50 pounds of any hazardous waste, including asbestos, you must use a registered hazardous waste transporter to take the wastes to a permitted treatment, storage, or disposal facility and the waste must be accompanied by a hazardous waste manifest (shipping paper).

Persons who transport less than 50 pounds of household hazardous waste to a household hazardous waste collection event or disposal facility may do so in any safe manner. Businesses may transport less than 50 pounds of hazardous waste to a permitted facility if they meet all of the following conditions: [Health and Safety Code section 25163\(c\)](#)

You must transport the waste in closed containers that are packed in a manner that prevents tipping, spilling, or breaking during transport.

You may not mix different hazardous wastes in one container during transportation.

You must have generated the waste that you are transporting, your hazardous waste generation rate is not greater than 100 kilograms (220 pounds) per month, and you accumulate no more than 1,000 kilograms (2200 pounds) at your business at any one time.

Please note that many household hazardous waste programs do not accept asbestos waste. Contact your local environmental health department to see whether such service is available in [your community](#).

In addition, you must place the proper DOT ([U.S. Department of Transportation](#)) shipping name and identification number on all hazardous material containers of 110 gallons or less capacity. For asbestos, the entry is:

RQ, Asbestos, 9, NA2212, III

This is the same shipping name and identification number that must appear on the manifest (if used). For more information see [49 Code of Federal Regulations section 172.301](#)

You are not required to placard transport vehicles carrying hazardous materials (such as asbestos wastes) which are classed as "[Other Regulated Material](#)" (ORM).

For further information regarding DOT requirements, visit its website; the [Hazardous Materials Transportation Guides](#) are particularly useful. Or contact the [U.S. Department of Transportation, Office of Motor Carrier Safety](#) at:

Northern California
Sacramento. - (916) 498-5050,

Southern California
Moreno Valley - (909) 653-2299

The Motor Carrier Safety Unit of the California Highway Patrol Office nearest you also has information (see the State Government section of white pages in your local telephone directory).

How do I get a California generator ID number?

The DTSC Fact Sheet, "[EPA Identification Numbers](#)," tells you about both federal (U. S. EPA) and state ID numbers. If you do not routinely generate hazardous waste, but are generating hazardous waste (including asbestos) as a result of remodeling or asbestos abatement work, you can get a one-time temporary ID number. Asbestos wastes that have been generated by residential renovation can use a special number. An ID number can be assigned over the telephone; contact DTSC's Generator Information Services Section at (800) 618-6942 (or 61TOXIC), or at (916) 255-1136.

Are there special disposal requirements for asbestos?

Yes. As mentioned previously, wetting and double bagging is required for many types of asbestos waste. Asbestos wastes must be handled and disposed of in accordance with the federal [Toxic Substances Control Act, 40 CFR 763](#). Other applicable laws and regulations include the [Clean Air Act \(NESHAP\)](#) and [California Code of Regulations, title 22, division 4.5](#). The [U.S. EPA](#) website has a number of references to asbestos disposal requirements.

A landfill must be authorized to accept asbestos wastes by its Regional Water Quality Control Board. Many municipal landfills and demolition debris landfills are permitted to accept asbestos wastes. Call your Regional Board to see if they have a list of the asbestos-accepting landfills in your area. Your local Air Quality Management District may also have a list. Before you take asbestos to a landfill, call them to find out whether you need an appointment or whether they have any special requirements.

Is LDR notification required for out-of-state shipments of non-RCRA waste such as asbestos-containing wastes?

Generators that are using a one-time residential or 90-day provisional EPA ID number for asbestos waste disposal are not required to submit land disposal restriction (LDR) notifications and certifications. Other generators of friable asbestos waste who have handled and packaged their waste for disposal are required to submit California land disposal notification and certification per [California Code of Regulations, title 22, section 66268.7\(a\)\(11\)](#).

If you have further questions regarding LDR requirements for asbestos waste, feel free to contact your DTSC Regulatory Assistance Officer.

Do I have to pay the state a special fee to dispose of asbestos wastes?

The disposal facility pays the fee if the generator disposes of 500 pounds or less of hazardous waste during the year. Generators who dispose of more than 500 pounds of waste per year to land pay a quarterly or semi-annual Hazardous Waste Control Account (HWCA) land disposal fee.

If the disposal involves more than 500 pounds, the manifest should include the generator's Board of Equalization taxpayer number (listed in Section "B" of the manifest, i.e., under State required items in the shaded portion). A Board of Equalization taxpayer number can be obtained from the Board by calling (800) 400-7115, (916) 322-9534. Additional information on current hazardous waste fees and taxes can be obtained from the Board of Equalization at these same numbers, or from the DTSC at (916) 322-8676.

Finally, California law imposes a fee on generators of five tons or more of hazardous waste per site per year, regardless of disposition. The fee is payable by the generator, who is billed annually by the Board of Equalization.

Are there other agencies that regulate asbestos activities?

Yes. Some key agencies are listed below:

[Contractors State License Board](#)

Asbestos removal and abatement contractors must be certified by the Board under [Business and Professions Code Section 7058.5](#). California law prohibits any person from advertising asbestos removal services unless so certified and requires that ads include the contractor's certification and Cal/OSHA registration numbers.

For further information on the certification requirement, steps to take when contracting with a company to remove asbestos, existing laws and regulations pertaining to asbestos-related work in California, basic health information, or to obtain a list of certified contractors, call the Board at (800) 321-CSLB or visit its website (www.cslb.ca.gov). Two publications useful in these respects are available online: “[What You Should Know Before You Hire a Contractor](#)” and “[A Consumer’s Guide To Asbestos](#).”

Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA)

For information and questions pertaining to worker health and safety at work sites, employees should contact their local Cal/OSHA Enforcement office, and employers should contact a Cal/OSHA Consultation office to provide assistance concerning occupational health and safety standards. For locations of the nearest office, see the state government section in the white pages of your telephone directory or visit the website. <http://www.dir.ca.gov/dosh/dosh1.html>.

[Labor Code Section 6501.5](#) requires any contractor who does asbestos abatement to register with Cal/OSHA’s Asbestos Contractor Registration Unit before doing any work involving asbestos. Information can be obtained through the Website: <http://www.dir.ca.gov/DOSH/ACRU/ACRUhome.htm> or by calling (415) 703-5191.

[Business and Professions Code Section 7180](#) et seq. requires any individual performing asbestos consulting activities in California to be certified by Cal/OSHA’s Asbestos Consultant Certification Unit. Information can be obtained through the Website http://www.dir.ca.gov/Databases/doshcaccsst/caccsst_Query_1.HTML or by calling (916) 574-2993.

Local Air Pollution Control District or Air Quality Management District

Many Districts have authority to enforce the National Emission Standards for Hazardous Air Pollutants (NESHAP), which include asbestos. In addition, those local agencies have special notification requirements when asbestos demolition or renovation operations are undertaken. Some of these agencies charge a fee. Telephone numbers will usually be found in the “County” listings in the government section of your local director’s white pages. Also check for “[Local Air District](#)” in the “Local Contacts” list on the DTSC website.

U.S. Environmental Protection Agency (EPA) Asbestos Home Page

EPA has notification requirements pertaining to asbestos demolition and renovation operations. Call Bob Trotter (415) 972-3989, for further information regarding NESHAP compliance and for information regarding asbestos identification, health effects, abatement options, analytical techniques, monitoring, asbestos in schools, and contact documents.

Other sources of information and assistance include:

[Agency for Toxic Substances and Disease Registry](#) (ATSDR) – This Federal Agency has information and guidance relating to asbestos and many other hazardous substances.

Consumer Product Safety Commission

Washington, D.C. (800) 638-2772. They have information about identifying and abating asbestos hazards in the home. Information on asbestos in certain consumer products is also available.

Cal/EPA Office of Environmental Health Hazard Assessment (OEHHA)

For information about the possible health effects of asbestos and links to other sites, see the [OEHHA Asbestos Fact Sheet](#).

DTSC Regulatory Assistance Officers

If you cannot find the answer to your question in this fact sheet, contact the DTSC Regulatory Assistance Officers. You can call them at 800-728-6942, or contact them via the Department of Toxic Substances Control website — <http://www.dtsc.ca.gov> — click on “Contact Us” and follow the “Regulatory Assistance Officer” link to the page listing each of the Regulatory Officers’ [email](#) addresses.

DTSC Regulatory Assistance Officers provide informal guidance only regarding management of hazardous waste for the convenience of the public. Such advice is not binding upon DTSC, nor does it have the force of law. If you would like a formal opinion on a matter by DTSC, please contact the responsible program office directly. You should also refer to the statutes and regulations, DTSC Policies and Procedures, and other formal documents.

If you believe that you have received incorrect information from a Regulatory Assistance Officers, please contact External Affairs at 916-322-0476.

We also encourage you to complete a Cal/EPA Customer Satisfaction survey <http://www.calepa.ca.gov/Customer/> so that we may improve our Regulatory Assistance Officer Program.